

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HUNG THACH,

Petitioner,

v.

BERNADETTE MASON, ET AL.,

Respondents

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CIVIL ACTION NO. 21-1252

ORDER

AND NOW this 24th day of March, 2023, upon careful and independent consideration of Petitioner Hung Thach's petition for writ of habeas corpus (Doc. No. 1), Hung Thach's Memorandum of Law in Support of Writ of Habeas Corpus (Doc. No. 12), and the Commonwealth's motion to dismiss the petition with prejudice (Doc. No. 18), the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, and the Petitioner's Objections to the Report (Doc. No. 29), it is **ORDERED** that:

1. The Petitioner's Objections are **OVERRULED**.
2. The Report and Recommendation of Magistrate Judge Richard A. Lloret [Doc. 26] is **APPROVED** and **ADOPTED**;
3. Mr. Thach's Petition for a Writ of Habeas Corpus is **DISMISSED** with prejudice by separate Judgment, filed contemporaneously with this Order.
4. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated

that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,

5. The Clerk of Court shall mark this file as **TERMINATED**.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.